

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WANDA GARETT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BBVA COMPASS BANK, <i>et al.</i> ,)	
)	
Defendants.)	Civil Action No. 3:19-CV-1491-C-BH

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that this civil action should be dismissed for failure to serve the Defendants within 90 days.¹ Plaintiffs filed timely objections thereto on December 13, 2019.

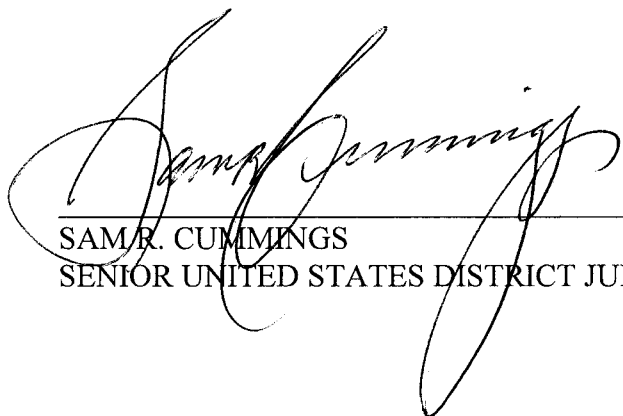
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an

¹ So that the record is clear and concise, Defendants BBVA Compass Bank and Charles C. Guimm, III, voluntarily appeared after the Magistrate Judge entered her findings and conclusions. Accordingly, the Court finds that those two Defendants have waived any issues relating to service of process.

independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED IN PART** as the findings and conclusions of the Court. For the reasons stated therein, Plaintiffs' claims asserted against Defendants Ray McDonald, Cedric Brown a/k/a Cedric Brooks and Walter Irvin are hereby **DISMISSED** without prejudice.

SO ORDERED this 2nd day of January, 2020.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE